

LOTTERY AUTHORITY, IOWA[531]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 99G.9, 17A.3 and 17A.4, the Iowa Lottery Authority hereby gives Notice of Intended Action to amend Chapter 12, “Licensing,” Iowa Administrative Code.

The rules in Chapter 12 describe licensing standards and requirements for retailers licensed by the Iowa Lottery Authority. This amendment provides discretion to the Iowa Lottery Authority on the decision to suspend a retailer for selling lottery tickets to a person under the age of 21. Because retailers are, many times, the source of the Lottery’s information on such a sale, the Lottery intends to change the mandatory-suspension language to provide the Lottery with discretion as to whether a retailer must be suspended. Thus, the retailer will not be deterred from cooperating with the Lottery and will more likely report these incidents.

Any interested person may make comments on this proposed amendment on or before January 28, 2014. Such written materials should be directed to the Rules Coordinator at the Iowa Lottery Authority, 2323 Grand Avenue, Des Moines, Iowa 50312. Persons who wish to convey their views orally should contact the Iowa Lottery Authority at (515)725-7851 or visit the Iowa Lottery Authority at 2323 Grand Avenue, Des Moines, Iowa.

The Iowa Lottery Authority does not intend to grant waivers under the provisions of these rules.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 99G.24 and 99G.27.

The following amendment is proposed.

Amend subrule 12.12(4) as follows:

12.12(4) Upon suspicion that a retailer has sold a ticket to an underage player, the lottery will investigate and provide a written warning to the retailer describing the report of the event and of the potential violation of Iowa Code Supplement section 99G.30(3). In the event a retailer sells a ticket to an underage player and the lottery can substantiate the claim, the lottery ~~shall~~ may suspend the retailer’s license for 7 days. When a retailer sells a ticket to an underage player and the lottery can substantiate the claim a second time in a period of one year from the date of the first event, the lottery ~~shall~~ may suspend the retailer’s license for a period of 30 days. When a retailer sells a ticket to an underage player and the lottery can substantiate the claim a third time in a period of one year from the date of the first event as described in this rule, the retailer’s license ~~shall~~ may be suspended for one year.